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08 JUN 1984

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Dear [redacted]

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Your letter of 29 May 1984 was received on 31 May 1984. This letter constituted an appeal based upon our constructive denial of your 10 April 1984 Freedom of Information Act request for records on various topics (as listed), which chiefly pertain to the judicial system of Honduras vis a vis United States corporations.

Accordingly, arrangements will be made for consideration of your appeal by the CIA Information Review Committee, and you will be advised of the determination made.

In order to process appeals in the most equitable manner possible, we have adopted the policy of treating appeals on a first-received, first-out basis. To date, we have a backlog of approximately 130 appeals awaiting completion. Because of this, some delay in our response must be expected, but your appeal will be completed as quickly as possible.

[redacted]
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Larry R. Strawderman
Information and Privacy Coordinator

[redacted]
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WILLIAMS & JENSEN
A PROFESSIONAL CORPORATION

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May 29, 1984

TELEPHONE
(202) 540-6201

LOG/APPEAL

7
MAY
1984

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Mr. Larry R. Strawderman
Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

FREEDOM OF INFORMATION APPEAL
Reference No. [redacted]

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This appeal is directed to the CIA Information Review Committee pursuant to 32 C.F.R. § 1900.51. Copies of our request for information, dated April 10, 1984, and your response, dated April 24, 1984, are attached.

The Freedom of Information Act provides that:

Each agency . . . shall . . . determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor. . . .

5 U.S.C.A. § 552(a)(6)(A)(1970).

Although the response received from your office was dated within the applicable time limit, it fails to meet the substantive requirements of the provision quoted above. Rather than providing information as to whether the CIA would comply with the request, the response states:

Mr. Larry R. Strawderman
May 29, 1984
Page 2

Our analysts will review your request, and we will be in touch with you and advise of any problems we have encountered, or whether we can search for documents without any additional information.

The response does not include the statutorily required determination of whether the agency will make the requested records available.

We look forward to a determination with respect to this appeal and the underlying request within twenty working days, as provided in the Freedom of Information Act.

Sincerely,

By:

WILLIAMS & JENSEN, P.C.
1101 Connecticut Avenue, NW
Suite 500
Washington, DC 20036
(202) 659-8201

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Enclosures

25 MAY 1984

STAT

Williams & Jensen
Suite 500
1101 Connecticut Avenue, NW
Washington, DC 20036

Dear [redacted]

STAT

This is a follow-up to our letter of 24 April 1984 concerning your Freedom of Information Act (FOIA) request concerning a large number of topics generally related to the judicial system of the Republic of Honduras.

We are sorry, but without further information from you it will be difficult, if not impossible, to provide you with the records you are seeking. The FOIA provides for public access to reasonably described records, which means that a document must be described sufficiently to enable a professional employee familiar with the subject to locate the document without an unreasonable amount of effort. This, with few exceptions means that the documents must be locatable through the indexing to our various records systems. We are neither required nor authorized to perform research or create records on behalf of a requester. Further, we are not required to analyze a body of material to see if any of it is related to a specific event, activity, or incident.

Because of the structure of our records systems, FOIA searches must be limited to those that can be conducted for records that are indexed or maintained under the name of an individual, organization, title, or other specific entity.

Our determinations concerning the searchability of your request are as follows:

1. The Supreme Court of Honduras - searchable.

2. Judges of the Supreme Court - searchable, but the chances of our being able to locate records would be enhanced if you could provide their full names and other biographic information as discussed below.

3. It is doubtful that your items (1)(c) through (e) are searchable. If you could provide the names of the U.S. corporations and the cases that are of interest to you, we could search on those items and then you could research any material located to determine if it applies to the specifics of your request.

4. Your item (2) is not searchable because it would require analysis and subjective decisions as to the responsiveness of any documents we may be able to locate concerning the judicial system.

5. It is doubtful that we would have any records indexed under the description of your item (3). Again, if you could tell us what proceedings are of interest to you, perhaps we could locate material responsive to the specific proceeding(s).

6. Abramam Bennaton Ramos.

7. Jaime Rosenthal.

8. Edwin Rosenthal.

9. Carlos Flores Faccusse.

10. Gustavo Adolfo Alfara.

11. Agencia Zarrett S. de R.L.

12. El Tiempo

Note: There are some special requirements when the search is on an individual as stated below.

13. Your item (5) is not searchable. If we have any releasable material on these individuals, however, you can research it to determine if any of it provides information about the relationships of interest to you.

Before we can conduct an effective search of our files under the name of an individual, we need to have a full name and basic biographic data. At the very least, we need a date and place of birth and nationality. Without such information, it will be difficult or impossible for us to distinguish between different individuals with the same or similar names.

In addition, so that we can be sure there are no privacy considerations, we need to have a signed and notarized statement from the individual authorizing us to release personal information that otherwise would have to be withheld in the interest of protecting that person's privacy rights. These rights are described in the Privacy Act (5 U.S.C. 552a) and the

FOIA [5 U.S.C.552 (b)(6)]. If we should locate relevant records and did not have such an authorization, we might have to withhold information that is an unwarranted invasion of that person's privacy. If the individual is deceased, we require some evidence of death, such as a death certificate, an obituary, or press statement.

In order to avoid a search of our most backlogged system, you may wish to limit your request to just that information contained in finished intelligence products and studies. For your information, the records system in question is composed primarily of internal operational correspondence and unevaluated intelligence reporting. Requests involving records in this system often take up to two or more years to process, and the records are usually so sensitive and fragmented that most of the information has to be withheld.

As to your request to make this a continuing request, it is our policy to search for responsive documents in existence as of and through the date of our acceptance letter for each individual request. We believe this is fair to all requesters and does not result in added delays associated with the continual updating of searches.

Because of the sensitive nature of our records, it is necessary to perform extensive coordinations of any records located prior to release. Therefore, we do not provide partial responses except for humanitarian reasons or under life-threatening circumstances. Such treatment of one requester would not be fair to the approximately 3200 other requesters already waiting for their final responses.

As you are aware, the FOIA authorizes federal agencies to collect fees for records services. We are enclosing, therefore, a fee schedule for your guidance. You will note that processing charges involve search fees, including computer time where indices are computerized, and copying costs for documents deemed releasable.

In accordance with section (e) of the schedule, fees are assessable even if no records are found, or, if found, they are determined to be not releasable. This means you will be charged even if our search results are negative or if it is determined that no information is releasable under the exemptions of the FOIA.

We acknowledge your fee commitment of up to \$1000 for these searches. Since search fees for each item in a request usually are about \$100, total fees, depending on the number of items you add in your response, could total more than \$1000. We will be asking you for a deposit of 50% of the estimated total fees once we receive your response and determine the total number of searchable subjects. If you wish, we can obtain a more precise fee estimate for your request.

Although we are prepared to initiate the appropriate searches once you have provided the additional information requested above, we believe you should be advised that it is doubtful that we have much if any responsive material releasable under the FOIA. We believe you would be better served to make a similar request to the Department of State or the Department of Commerce. These departments have primary responsibility concerning commercial matters with other nations.

We are holding your request in abeyance pending our receipt of your reply to this letter.

Sincerely,

Larry R. Strawderman
Information and Privacy Coordinator

Enclosure

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24 APR 1984

[redacted] STAT

Williams & Johnson
A Professional Corporation
Lawyers
1101 Connecticut Avenue, NW
Washington, DC 20006

Dear [redacted]

STAT

Your letter of April 10, 1984 requesting documents under the provisions of the Freedom of Information Act has been received in the office of the Information and Privacy Coordinator. Our analysts will review your request, and we will be in touch with you and advise of any problems we have encountered, or whether we can search for documents without any additional information.

Your request has been assigned Reference No. [redacted] for identification purposes.

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Sincerely,

/s/ Larry R. Strawderman

Larry R. Strawderman
Information and Privacy Coordinator

[redacted] STAT

IPD Registry

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 WILLIAM T. BRACK
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TELEPHONE
 (202) 650-8201

April 10, 1984

CIA Information and Privacy Coordinator
 Central Intelligence Agency
 Washington, DC 20505

APR 16 1984
 3:56 PM

THIS IS A FREEDOM OF INFORMATION REQUEST AND
 NOT A MERE INTENDED EXPRESSION OF INTEREST

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. §552, and the regulations of the Central Intelligence Agency, 32 C.F.R. Part 1900, this firm hereby requests that you make promptly available to the undersigned, for the purpose of inspection and copying, the following files and records:

All documents and other materials (including but not limited to all reports, communiqus, internal correspondence, memoranda and exhibits thereto, cables, telexes, etc.) in the possession, custody, or control of the Central Intelligence Agency, any unit or agency of the Central Intelligence Agency, or any officer or employee thereof (collectively referred to herein-after as the "Agency") which embody, refer to, or relate to:

- (1) The Supreme Court of the Republic of Honduras including (a) the judges on the Court; (b) its conduct and operation; (c) the Court's treatment of U.S. corporations involved in litigation before it; (d) litigation currently pending before the Court involving U.S. corporations; and (e) decisions rendered by the Court involving U.S. corporations.
- (2) The due process and fairness of treatment of U.S. corporations by the judicial system of the Republic of Honduras including the lower courts as well as the Supreme Court of Justice.

- (3) Legal proceedings brought under the Honduran Law Governing Representatives and Distributors of Commercial Firms (enacted October 13, 1970) involving U.S. corporations.
- (4) Any biographical or informational records with respect to the following persons or entities in the Republic of Honduras:
 - (a) Abraham Bennaton Ramos,
 - (b) Jaime Rosenthal,
 - (c) Edwin Rosenthal,
 - (d) Carlos Flores Faccusse,
 - (e) Gustavo Adolfo Alfara,
 - (f) Agencia Barrett S. de R.L.,
 - (g) El Tiempo.
- (5) Relationships, formal or informal, among the persons and entities enumerated in ¶4 with one another and/or with officials of the government and judiciary of the Republic of Honduras.

This request encompasses all documents originated or received by the Agency within the past ten (10) calendar years.

In the event any of the requested material is deemed exempt from mandatory disclosure, we respectfully request that the Central Intelligence Agency exercise its discretion and grant the requested access. However, if all or any part of this request is denied, please cite the specific exemption(s) which the Agency believes justifies its refusal to release the information.

We further request that files and records be made available to us promptly as they are located, rather than waiting for all requested material to be assembled.

This request is a continuing one, encompassing all such material which may hereafter be created or come within the possession, custody or control of the Agency.

Pursuant to 32 C.F.R. §1900.25(b), we are willing to pay an amount sufficient to cover the necessary search fees to an amount not in excess of one thousand dollars (\$1,000.00). Please advise the undersigned promptly if estimated search fees will be in excess of this amount.

-3-

We would appreciate your handling this request as quickly as possible, and we look forward to a response within ten days, as the Freedom of Information Act stipulates.

Sincerely,

By:

~~WILLIAMS & JENSEN, P.C.~~
~~1101 Connecticut Avenue, N.W.~~
~~Suite 500~~
~~Washington, D.C. 20036~~
~~(202) 659-8201~~

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